

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

-----X
JEFF SCHMIDT,

Plaintiff,

-against-

Civil Action No.: _____

AMERICAN INSTITUTE OF PHYSICS,

Defendant.
-----X

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendant American Institute of Physics ("AIP"), invokes the jurisdiction of this Court under 28 U.S.C. §§ 1331, 1332 and 1441, and states the following as grounds for removal of this case from the Superior Court of the District of Columbia:

1. An action was instituted, on or about May 30, 2003, by Plaintiff Jeff Schmidt in the Superior Court of the District of Columbia and is now pending therein. (Case No. 03-0004443). True and correct copies of the complaint and related papers are attached as Exhibit A.
2. There have been no pleadings, process or orders served on Defendant within the meaning of 28 U.S.C. § 1446(a) other than those attached hereto.
3. On July 22, 2003, Defendant was served with a Summons and a copy of the Complaint.
4. The Complaint asserts claims under 42 U.S.C. §1983 and a variety of state law and/or common law claims.

5. Defendant has not served an answer or responsive pleading to Plaintiff's Complaint.

6. Defendant has not made any appearance or argument before the Superior Court of the District of Columbia.

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction in this action based on the federal claims raised by Plaintiff's Complaint. Consequently, this action may be removed to this Court under 28 U.S.C. § 1441.

8. In addition, pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction in this action because there is complete diversity between the parties and the amount in controversy exceeds \$75,000. Diversity is established by Plaintiff's own allegation, to wit, Plaintiff alleges in the Complaint that he is a citizen of the District of Columbia. Defendant AIP is a citizen of New York, which is the state of its incorporation, and a citizen of Maryland, where its principal place of business is located at One Physics Ellipse, College Park, Maryland 20740-3843. Plaintiff's Complaint seeks \$4,000,000 in damages. Consequently, this action may be removed to this Court under 28 U.S.C. § 1441.

9. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff in the complaint or conceding that Plaintiff has asserted claims upon which relief can be granted.

10. This Notice is filed with this Court within thirty (30) days after Defendant received a copy of the Complaint upon which this action is based and before any proceedings were had thereupon in the Superior Court of the District of Columbia.

11. Contemporaneously with this filing, Defendant also is filing a Notice of Filing of Notice of Removal with the Clerk of the Superior Court of the District of Columbia,

and is giving written notice of this removal to Plaintiff by serving a copy on Plaintiff, who is proceeding herein *pro se*.

WHEREFORE, Defendant requests that this action be removed from the Superior Court of the District of Columbia to the United States District Court for the District of Columbia.

Dated: August 8, 2003

JACKSON LEWIS LLP

Attorneys for Defendant

8614 Westwood Center Drive

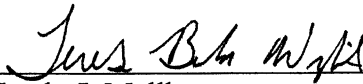
Suite 950

Vienna, Virginia 22182

Telephone: 703-821-2189

Facsimile: 703-821-2267

By:



Wendy J. Mellk

(*pro hac vice* admission to be made)

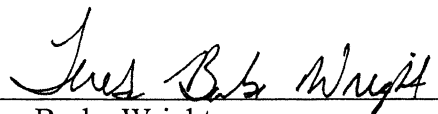
Teresa Burke Wright

(DC Bar No. 429196)

CERTIFICATE OF SERVICE

I hereby certify that, on this 8th day of August, 2003, I caused a true and correct copy of the enclosed *Notice of Removal* to be served upon the following party, via First-Class Mail, by depositing said copy into an official U.S. Postal Service depository addressed as follows:

JEFF SCHMIDT
3003 Van Ness Street, NW
#W406
Washington, DC 20008
PLAINTIFF PRO SE



Teresa Burke Wright

CA Form 1

Superior Court of the District of Columbia
CIVIL DIVISION500 Indiana Avenue, N.W., Room JM-170
Washington, D.C. 20001 Telephone: 879-1133Jeff Schmidt
3003 Van Ness Street NW # W406
Washington, DC 20008 Plaintiff

03-0004443

vs. American Institute of Physics
One Physics Ellipse
College Park, MD 20740 Defendant

Civil Action No. _____

Agent: The Corporation Trust Incorporated
300 East Lombard Street
Baltimore, MD 21202

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Room JM 170 at 500 Indiana Avenue, N.W., between 9:00 a.m. and 4:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Jeff Schmidt
Name of Plaintiff's Attorney
3003 Van Ness Street NW # W406
Address
Washington, DC 20008
202-537-3645
Telephone

By _____

Deputy Clerk

Date _____

MAY 30 2003

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL
DISTRITO DE COLUMBIA. 500 INDIANA AVENUE, N.W., SALA JM 170YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA
AVENUE, N.W., ROOM JM 170

NOTE: SEE IMPORTANT INFORMATION ON BACK OF THIS FORM.

Form CIVIL-454-Mex 01

FILED

AUG - 8 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

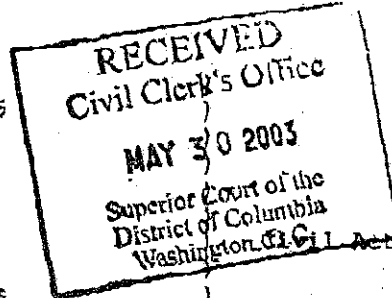
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

Jeff Schmidt
3003 Van Ness Street NW #W406
Washington, DC 20008

Plaintiff,

American Institute of Physics
One Physics Ellipse
College Park, MD 20740

Defendant.



03-0004443

Action No.

COMPLAINT

1. Jurisdiction of this court is founded on D.C. Code Annotated, 1973 edition, as amended, Sec. 11-921.

Facts

2. Plaintiff, Jeff Schmidt, is and was at all times relevant to this complaint, a resident of the District of Columbia.

3. Defendant, American Institute of Physics, is and was at all times relevant to this complaint, headquartered in College Park, Maryland, Prince Georges County, with an office in the District of Columbia. Defendant does business in the District of Columbia.

4. Defendant is a physics publishing organization affiliated with the University of Maryland, a state institution. Defendant, in its normal course of business, in its actions affecting Plaintiff, and at all times relevant to this complaint, acted under color of state law.

5. Plaintiff has a PhD in physics and was employed by Defendant for 19 years, from March 17, 1981, through May 31, 2000, as a science editor.

6. During the course of Plaintiff's employment, Plaintiff and Defendant entered into an employment contract that eliminated any at-will employment relationship between the parties.

7. Defendant expressly agreed that Plaintiff's employment was not at-will, and the terms of the modified employer/employee contract between the parties were reiterated by Defendant on numerous occasions, both in writing and orally.

8. The contract granted Plaintiff the right of free expression and advocacy, and further promised that job security would be based on work performance. The contract also specified the work that Plaintiff would do and the compensation that Plaintiff would receive in return.

9. Plaintiff reasonably but detrimentally relied on said written and verbal terms of employment.

10. At all times, Plaintiff exceeded the contract's performance requirements.

11. Nevertheless, Defendant took extreme repressive measures against Plaintiff, including termination of Plaintiff's employment, in retaliation for the expression and advocacy granted and protected by the contract. Defendant acted without notice and without giving Plaintiff the opportunity to be heard.

First cause of action -- Breach of Contract

12. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 11 above.

13. On May 31, 2000, Defendant terminated Plaintiff's employment in breach of the contract and took other actions in breach of the contract. Defendant acted without notice and without giving Plaintiff the opportunity to be heard.

14. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Second cause of action -- Breach of Oral Contract

15. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 14 above.

16. As alleged in paragraph 7, Defendant entered into an oral contract with Plaintiff wherein Defendant agreed that Plaintiff's employment was not at-will, and the terms of the modified employer/employee contract between the parties were reiterated by Defendant on numerous occasions, both in writing and orally.

17. On May 31, 2000, Defendant terminated Plaintiff's employment in breach of said oral agreement and took other actions in breach of said oral agreement.

18. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Third cause of action -- Detrimental Reliance

19. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 18 above.

20. As alleged in paragraphs 6, 7, and 8, Defendant made certain promises to Plaintiff, including but not limited to the right of free expression and advocacy, and basing job security on work performance.

21. As alleged in paragraph 9, Plaintiff reasonably relied on the written and oral terms of employment promised by Defendant. In making these promises to Plaintiff, Defendant knew or should have known that these promises would induce Plaintiff to rely on these promises, continue active employment, and forego other options and opportunities.

22. Plaintiff reasonably relied on said promises, to his detriment.

23. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Fourth cause of action -- 42 U.S.C. § 1983

24. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 23 above.

25. As alleged in paragraphs 4 and 11, Defendant acted under color of state law in taking repressive measures against Plaintiff and depriving Plaintiff of the right of free expression.

26. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Fifth cause of action -- Breach of Covenant of Good Faith and Fair Dealing

27. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 26 above.

28. The law implies a covenant of good faith and fair dealing in all contracts.

29. As alleged in paragraphs 6, 7, and 8, Defendant made certain promises to Plaintiff, including but not limited to the right of free expression and advocacy, and basing job security on work performance.

30. As alleged in paragraph 13, Defendant intentionally and in bad faith violated the implied covenant of good faith and fair dealing with Plaintiff.

31. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Sixth cause of action -- Violation of Due Process

32. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 31 above.

33. Defendant gave Plaintiff no notice or opportunity to respond to Defendant's allegations before acting against Plaintiff and depriving Plaintiff of rights such as the property right that Plaintiff had invested in his employment.

34. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages, including, but not limited to, damages for loss of past and future salary.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Seventh cause of action -- Intentional Infliction of Emotional Distress

35. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 34 above.

36. As alleged in paragraph 11, Defendant acted with the intent to inflict severe emotional distress upon the Plaintiff.

37. As a result of Defendant's actions, Plaintiff suffered severe emotional distress.

38. As a result of Defendant's actions, Plaintiff incurs both actual and potential damages, the nature and extent of which cannot be determined with certainty at the time of this filing.

Wherefore, Plaintiff demands judgment against Defendant as follows:

- A. That Plaintiff be reinstated to his position of employment.
- B. That Plaintiff be awarded \$4,000,000 in compensatory and punitive damages.

Plaintiff further requests costs and expenses incurred in this action, and any such further relief as the court deems proper.

Plaintiff requests trial by jury.

Plaintiff's telephone number: 202-537-3645

District of Columbia

Jeff Schmidt, being first duly sworn on oath, deposes and says that the foregoing is a just and true statement of the amount owing by defendant to the plaintiff, exclusive of all set-offs and just grounds of defense.

Jeff Schmidt
(Plaintiff)

Subscribed and sworn to before me this 30th day of May, 2003.

[Signature]
(Deputy Clerk) [Signature]

The District of Columbia: ss
subscribed and sworn to before me
this 30th day of Aug, 2003

[Signature]
Notary Public, DC
My commission expires 10/14/2008

Receipt of Employee Handbook

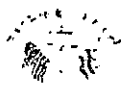
I have received a copy of the AIP Employee Handbook and understand that I am responsible for becoming familiar with the policies described in it. I understand that the information contained in it represents management guidelines only which may be modified from time to time. This Handbook is not a contract. I understand that neither the Handbook's policies nor any other representations made by a management representative, at the time of hire or at any time during employment, are to be interpreted as a contract between the Institute and any of its employees. I further understand that my employment is voluntarily entered into, that I am free to resign at any time and that AIP may terminate the employment relationship whenever it determines that it is in its' best interest to do so, and do so with or without notice or cause. I understand that I am employed at will.

J. Schmitt 2 JUL 96
 Signature Date
JEFF SCHMITZ
 Employees Name (Printed)

Revised 5/96

89

Seminars/Training



*Superior Court of the District of Columbia
Civil Division*

Smith, J vs American Institute of Physics

C A No 03ca00443

INITIAL ORDER

Pursuant to D.C. Code §11-906 and District of Columbia Superior Court Rule of Civil Procedure (S.C.R. Civ.) 40-1, it is hereby **ORDERED** as follows.

(1) Effective this date, this case is assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant, copies of the Summons, the Complaint, and this Initial Order, and any General Order issued by the judge to whom the case is assigned. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in S.C.R. Civ. 4(m).

(3) Within 20 days of service as described above, except as otherwise noted in S.C.R. Civ. 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to any defendant who has failed to so respond, a default and judgement will be entered unless the time to respond has been extended as provided in S.C.R. Civ. 55(m).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients prior to the Conference whether the clients are agreeable to binding or non-binding arbitration. This order is the only notice that parties and counsel will receive concerning this Conference.

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Civil Assignment Office (202) 879-1750 may continue the Conference once, with the consent of all parties, to either of the two succeeding Fridays. Requests must be made not less than six business days before the scheduling conference date. No other continuance of the Conference will be granted except upon motion for good cause shown.

Aug 30, 2003

Chief Judge Rufus G. King, III

Case Assigned to Calendar #6 (Judge Franklin A. Burgess, Jr.)

Initial Conference at 9:30am 08/29/03

Courtroom 517 Main Bldg., 5th Floor

500 Indiana Ave., N.W.

Washington, D.C. 20001



Representing Management Exclusively in Workplace Law and Related Litigation

Jackson Lewis LLP
8614 Westwood Center Drive
Suite 950
Vienna, VA 22182
Tel 703 821-2189
Fax 703 821-2267
www.jacksonlewis.com

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DALLAS, TX	MORRISTOWN, NJ	STAMFORD, CT
GREENVILLE, SC	NEW YORK, NY	WASHINGTON, DC REGION
HARTFORD, CT	ORLANDO, FL	WHITE PLAINS, NY
LONG ISLAND, NY	PITTSBURGH, PA	

MY EMAIL ADDRESS IS: WRIGHTT@JACKSONLEWIS.COM
MY DIRECT DIAL IS: (703) 821-4304

August 8, 2003

VIA COURIER

Clerk of Court
U.S. District Court
For the District of Columbia
333 Constitution Avenue, NW
Room 1225
Washington, DC 20001

Re: Jeff Schmidt v. American Institute of Physics

Dear Sir or Madam:

Enclosed for filing is the original and three (3) copies of a Civil Cover Sheet, Notice of Removal, Answer to Complaint and Certificate Pursuant to Local Rule 26.1 with regard to the above-captioned matter. Kindly return two date stamped copies of this document to me in the self-addressed envelope provided for that purpose. (The courier will return this envelope to our office.) Also enclosed is a 3.5 inch diskette containing a PDF version of the Civil Cover Sheet, Notice of Removal, Answer to Complaint and Certificate Pursuant to Local Rule 26.1. You will also find enclosed our firm check number 1792 in the amount of \$150.00 representing your fee for filing same. Thank you for your assistance in this matter. Please call me if you have any questions.

Very truly yours,

JACKSON LEWIS LLP

Teresa Burke Wright

/gf

Enclosures

cc: Jeff Schmidt (w/encl.)
Wendy Mellk (w/encl.)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Jeff Schmidt

(b) County of Residence of First Listed Plaintiff Washington, DC
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeff Schmidt, Plaintiff pro se
3003 Van Ness St., NW, # 406
Washington, DC 20003

DEFENDANTS

American Institute of Physics

County of Residence of First Listed Defendant Prince Georges, MD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Teresa Burke Wright (703) 821-2189
Jackson Lewis LLP
8614 Westwood Center Dr. Vienna VA 2218

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC Section 1983

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** 4,000,000 **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 8, 2003

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FILED

AUG - 8 2003

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

**JURY
ACTION**

-----X
JEFF SCHMIDT,

CASE NUMBER 1:03CV01691

Plaintiff, JUDGE: Ricardo M. Urbina

-against-

DECK TYPE: Employment Discrimination

AMERICAN INSTITUTE OF PHYSICS,

DATE STAMP: 08/08/2003

Defendant.
-----X

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendant American Institute of Physics ("AIP"), invokes the jurisdiction of this Court under 28 U.S.C. §§ 1331, 1332 and 1441, and states the following as grounds for removal of this case from the Superior Court of the District of Columbia:

1. An action was instituted, on or about May 30, 2003, by Plaintiff Jeff Schmidt in the Superior Court of the District of Columbia and is now pending therein. (Case No. 03-0004443). True and correct copies of the complaint and related papers are attached as Exhibit A.
 2. There have been no pleadings, process or orders served on Defendant within the meaning of 28 U.S.C. § 1446(a) other than those attached hereto.
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